

OPINION 1165

SCYTALE NIGER DAUDIN, 1803 (REPTILIA, SERPENTES)
SUPPRESSED

RULING.— (1) Under the plenary powers the specific name *niger* Daudin, 1803, as published in the binomen *Scytale niger*, and all uses of that name prior to the publication of *Scytale newwiedii*, var. *nigrum* Duméril, Bibron & Duméril, 1854, is hereby suppressed for the purposes of both the Law of Priority and the Law of Homonymy.

(2) The specific name *niger* Daudin, 1803, as published in the binomen *Scytale niger*, and all uses of that name prior to the publication of *Scytale newwiedii* var. *nigrum* Duméril, Bibron & Duméril, 1854, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 1072.

HISTORY OF THE CASE Z.N.(S.)2077

An application for the suppression of *Scytale niger* Daudin, 1803, was first received from Mr. Andrew Stimson (*British Museum, Natural History*) on 1 December 1971. After an exchange of correspondence it was sent to the printer on 27 August 1974 and published on 31 December 1974 in *Bull. zool. Nom.* vol. 31, pp. 247–248. Public notice of the possible use of the plenary powers in the case was given in the same part of the *Bulletin* as well as to the statutory serials and to two herpetological serials. The application was supported by Professor Hobart Smith (*University of Colorado*). No adverse comment was received.

DECISION OF THE COMMISSION

On 14 December 1979 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1979)21 for or against the proposals set out in *Bull. zool. Nom.* vol. 31, pp. 247–248. At the close of the voting period on 14 March 1980 the state of the voting was as follows:

Affirmative Votes — twenty (20) received in the following order: Melville, Mroczkowski, Willink, Vokes, Corliss, Tortonese, Trjapitzin, Alvarado, Habe, Brinck, Hahn, Welch, Starobogatov, Sabrosky, Kraus, Ride, Halvorsen, Binder, Nye, Cogger

Negative votes — four (4): Holthuis, Bayer, Heppell, Dupuis
No voting paper was returned by Bernardi.

The following comments were returned by members of the Commission with their voting papers:

Holthuis: 'I vote against this proposal for two reasons:

'1. Evidently the name *Pseudoboa nigra* is not a commonly used name: in paragraph 2 of the application it is stated that the name has been used only three times since 1964. A strict application of priority would not do much harm, if any, here.

'2. As the proposal is now worded, its acceptance would not save the name *nigrum* Duméril, Bibron & Duméril. Suppression of *Scytale niger* Daudin, 1803 for the purposes of both priority and homonymy would make *Scytale niger* Harlan, 1827 (mentioned in paragraph 4 of the application) an available name, which in its turn invalidates *nigrum* D. B. & D. This could be corrected by adding in the first line of the proposal on p. 248 "and all uses of the name *Scytale nigra* before the publication of *Scytale newwiedii* var. *nigrum* Duméril, Bibron & Duméril, 1854". [This point has been taken into account in drafting the present ruling. R.V.M.]

Bayer: 'If the name *niger* Daudin, 1803 is suppressed for both priority and homonymy as proposed, Harlan's 1827 usage of *Scytale niger* becomes a senior homonym of *S. newwiedii* var. *nigrum* Duméril, Bibron & Duméril, 1854.'

Heppell: 'I vote against the proposals, as to vote for would be to acquiesce in the presumption that *Scytale newwiedii* var. *nigrum* is a junior primary homonym of *S. niger*. As a result of an ill-conceived modification to Article 45e, the post-Monaco Code treats all named varieties as nomenclaturally equivalent to subspecies, and the present case is an excellent example of the chaos consequent to that injudicious decision. I have argued at length elsewhere against condoning that ruling in the new edition of the Code, and as my submission was supported by the preliminary vote of the Commissioners meeting at Lund, I do not intend to rehearse it again here. It is apparent from Bailey's presentation of the *Lystrophis* case (1962, *Bull. zool. Nom.*, vol. 19, pp. 164-169) that *S. newwiedii* var. *nigrum* was originally conceived as of infra-subspecific rank. Duméril, Bibron & Duméril themselves, in the same work in which they described that form, recognised *Scytale niger* Daudin (as *Heterodon niger*) as an available name for another taxon. *Pseudoboa nigra*, as a taxon of the species group, should have been attributed to Bailey, 1962, this being the authorship and date of its elevation (Article 10b). Nevertheless, it has been common practice for an author raising a varietal name to maintain its original authorship and date. Although the Commission adopted Bailey's traditional attribution of the varietal name to Duméril, Bibron & Duméril, 1854 when the name was placed on the Official List, it does not follow, in the absence of any explicit statement published with Opinion 698 (1964, *Bull. zool. Nom.* vol. 21, pp. 101-103) that any inference as to its subspecific status in 1854 can

be drawn therefrom. Accordingly I do not acknowledge that *Scytale niger* is a threat to the established use of *Pseudoboa nigra*.' [Articles 45d(i) and 45e(i) of the London (1961) Code taken together make names such as *Scytale neuwiedii* var. *nigrum* of sub-specific rank. The Monaco amendment did not modify this rule; it merely stated it in more explicit terms. R.V.M.]

Dupuis: '(1) *Scytale niger* Daudin, 1803, t.5, p. 342, est nomenclatoriquement valide aux termes des règles actuelles. (2) Je remarque que c'est ce nom prioritaire, proposé comme celui d'une espèce, que l'on voudrait supprimer au profit d'un nom ultérieur, proposé comme celui d'une variété. (3) Taxinomiquement, il y aura peut-être besoin un jour de disposer du nom *niger* Daudin pour la variété (ou sous-espèce) mélanique de *platirrhinos*. (4) La requête ne précise pas le degré de confiance à accorder taxinomiquement à la synonymie *cacodaemon* Shaw, 1802 = *niger* Daudin, 1803. Pour ces quatre raisons, je vote contre.

'J'ajoute, à titre documentaire, que *Heterodon platirrhinos* n.g., n.sp. n'est pas de Latreille, mais de Palisot de Beauvois, dans un "Mémoire sur les serpents" signé et inséré dans Sonnini & Latreille, tome 3, 1801, pp. 63-92. On y trouve le nom de genre, p. 66, et le nom d'espèce dans le "Tableau comparatif . . . des dents", face p. 88. Daudin, dans son tome 5, pp. 47-73, a reproduit le mémoire et le tableau de Palisot.'

ORIGINAL REFERENCE

The following is the original reference for a name placed on an Official Index by the ruling given in the present Opinion:

niger, *Scytale*, Daudin, 1803, *Histoire naturelle, générale et particulière des reptiles*, (Paris) p. 342.

CERTIFICATE

I hereby certify that the votes cast on V.P.(79)21 were cast as set out above, that the proposal contained in that voting paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1165.

R.V. MELVILLE

Secretary

International Commission on Zoological Nomenclature

London

26 August 1980